

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION

IN RE:)	Case No. 18-80386
)	
LENT CHRISTOPHER CARR, II)	Chapter 13
DELTARINA V. CARR)	
Debtor.)	
_____)	

APPLICATION FOR COMPENSATION BY ATTORNEY FOR DEBTORS

NOW COMES Erich M. Fabricius, attorney for the Debtors, pursuant to Bankruptcy Rule 2016, and applies to the Court to award compensation for representation of the Debtors concerning this case. In support thereof, the undersigned shows as follows:

1. The Debtors filed the above captioned voluntary chapter 13 bankruptcy case on March 20, 2018 and a plan was confirmed on October 26, 2018.
2. Counsel for the Debtors has opted-out of the presumptive base fee in this matter, and counsel is seeking compensation herein on a time and expense basis.
3. As previously disclosed to the Court, the Debtors paid counsel \$800.00 pre-petition for services related to this case.
4. As set out in exhibit A, counsel spent a total of 8.2 hours of time prior to the filing of the case, for which counsel seeks confirmation or award of the pre-petition flat amount of \$800.00 as compensation.
5. Subsequent to filing the case, counsel has spent a total of 24.1 hours of time on this case, as set out in exhibit B. This has included matters concerning a venue objection, filing and withdrawal of a claim, objection to major claim in the case, filing a plan and two amended plans, attending hearings on the claim objection and confirmation, in addition to customary matters in furtherance of the case and extensive client counseling.
6. Counsel's standard rate at the time of service for bankruptcy matters was \$275.00 per hour in 2018, resulting in a total fee of \$5,412.00 for the services set out above, accounting travel time at a half rate, as well as certain matters in which counsel is extending a courtesy discount.
7. Such rate and time is reasonable for the circumstances of the case. Counsel is a Board Certified Specialist in Consumer Bankruptcy Law who regularly represents debtors in chapter 13 proceedings, in this district and in the Eastern District of North Carolina.
8. Additionally, costs have been incurred in the service of notices: \$28.52 on the service of the first amended chapter 13 plan, and \$19.20 on the service of the second amended chapter 13 plan. These costs total \$47.72.
9. The undersigned verifies that all services for which fees are sought have been completed. There are no agreements in existence for the sharing of fees in this case with individuals other than counsel of record.

WHEREFORE, the undersigned respectfully applies to the Court to:

1. Grant Erich M. Fabricius compensation for post-petition services as Counsel for the Debtors totaling \$5,412.00 for the services set out above, plus \$47.72 in costs;
2. To the extent necessary, approve the prepetition fixed compensation of \$800.00 as reasonable for pre-petition services rendered by Erich M. Fabricius as Counsel for the Debtors.
3. Allow such fee of \$5,412.00 and costs of \$47.72 as an administrative expense in the chapter 13 case pursuant to 11 U.S.C. § 503(b); and
4. Grant such further and additional relief as necessary and appropriate.

This the 26th day of November, 2018

s/ Erich M. Fabricius

Erich M. Fabricius, NC State Bar No. 39667

Attorney for the Debtors

Fabricius & Fabricius PLLC

P.O. Box 1230, Knightdale, NC 27545-1230

Telephone: 919-295-6001 Fax: 919-890-3833

Email: emf@fabriciuslaw.com

EXHIBIT A: PRE-PETITION TIME RECORD

Date	Task	Time	Rate
3/13/18	Preliminary phone call	0.1	
3/13/18	Initial Consultation	2	
3/16/18	Client phone call	0.1	
3/16/18	Client phone call	0.1	
3/18/18	Client phone call	0.1	
3/19/18	Prepare Petition	0.3	
3/19/18	Prepare Petition	0.8	
3/19/18	Client phone call	0.1	
3/19/18	Prepare Petition	0.3	
3/19/18	Client phone call	0.1	
3/19/18	Client phone call	0.1	
3/20/18	Signing Appointment and related	3.6	
3/20/18	Final review, collate, and File Case	0.5	
Totals		8.2	\$800.00 flat

EXHIBIT B: POST-PETITION TIME RECORD

Date	Task	Time	Rate	Disc	Amount
3/27/18	Client phone call	0.3	\$275.00	30%	\$57.75
4/5/18	Income Tax Declaration	0.2	\$275.00		\$55.00
4/9/18	Email	0.1	\$275.00		\$27.50
4/10/18	Demand Letter	0.5	\$275.00		\$137.50
4/11/18	Email about plan payment with trustee staff	0.1	\$275.00		\$27.50
4/12/18	Client phone call	0.3	\$275.00	30%	\$57.75
4/13/18	Emails with Trustee Atty about Venue	0.2	\$275.00		\$55.00
4/16/18	Client phone call	0.5	\$275.00	30%	\$96.25
4/20/18	Client phone call	0.1	\$275.00	30%	\$19.25
4/20/18	Notices	0.8	\$275.00		\$220.00
4/24/18	Client phone call	0.3	\$275.00	30%	\$57.75
4/27/18	Client phone call	0.3	\$275.00	30%	\$57.75
4/30/18	Client phone call	0.1	\$275.00	30%	\$19.25
4/30/18	Venue research	0.7	\$275.00		\$192.50
5/14/18	Client phone call	0.8	\$275.00	30%	\$154.00
6/4/18	Client phone call	0.5	\$275.00	30%	\$96.25
6/18/18	Client phone call	0.6	\$275.00	30%	\$115.50
6/18/18	Client phone call	0.1	\$275.00	30%	\$19.25
6/21/18	Client phone call regarding 341 meeting	0.7	\$275.00		\$192.50
6/22/18	Attend 341	0.4	\$275.00		\$110.00
6/28/18	Research taxes	0.6	\$275.00		\$165.00
6/28/18	Tax Claim	0.5	\$275.00		\$137.50
6/29/18	Client phone call	0.3	\$275.00	30%	\$57.75
6/29/18	Send Declaration to trustee	0.1	\$275.00		\$27.50
6/29/18	Email about tax claim to trustee office	0.1	\$275.00		\$27.50
7/5/18	Email to trustee office re plan	0.1	\$275.00		\$27.50
7/13/18	Client phone call	0.2	\$275.00	30%	\$38.50
7/16/18	Notice to Hoke	0.4	\$275.00		\$110.00
7/19/18	Draft Plan	0.8	\$275.00	30%	\$154.00
7/19/18	Client phone call	0.5	\$275.00		\$137.50
7/19/18	Complete plan	0.3	\$275.00		\$82.50
7/19/18	File plan, email to trustee	0.3	\$275.00		\$82.50
7/20/18	Send Update	0.1	\$275.00		\$27.50
7/23/18	Emails with creditor re car in plan	0.1	\$275.00		\$27.50
7/26/18	Client phone call	0.4	\$275.00	30%	\$77.00
8/7/18	Client phone call	0.1	\$275.00	30%	\$19.25
8/9/18	2d Amended Plan	0.4	\$275.00		\$110.00
8/13/18	Client phone call	0.3	\$275.00	30%	\$57.75

8/16/18	Finalize 2d amended plan	0.6	\$275.00		\$165.00
8/16/18	Jordan Claim Objection	0.2	\$275.00		\$55.00
8/17/18	Client phone call	0.2	\$275.00	30%	\$38.50
8/19/18	Jordan Claim Objection	0.4	\$275.00		\$110.00
8/19/18	Opt-out documentation	0.2	\$275.00		\$55.00
8/20/18	follow up emails	0.3	\$275.00		\$82.50
8/22/18	Client phone call	0.2	\$275.00	30%	\$38.50
9/5/18	Client phone call	0.1	\$275.00	30%	\$19.25
9/5/18	Client phone call	0.4	\$275.00	30%	\$77.00
9/19/18	Client phone call	0.3	\$275.00	30%	\$57.75
10/2/18	Client phone call regarding continuance request	0.5	\$275.00	30%	\$96.25
10/2/18	Client phone call	0.2	\$275.00	30%	\$38.50
10/2/18	Client phone call	0.2	\$275.00	30%	\$38.50
10/3/18	Client phone call regarding hearing timing	0.6	\$275.00	30%	\$115.50
10/3/18	Client phone call	0.3	\$275.00	30%	\$57.75
10/3/18	Client phone call on hearing, continance, and related matters	0.7	\$275.00	30%	\$134.75
10/4/18	Travel to Court	0.5	\$137.50		\$68.75
10/4/18	Court hearing	0.1	\$275.00		\$27.50
10/4/18	Travel from Court	0.5	\$137.50		\$68.75
10/4/18	Client phone call regarding hearing and timing	0.4	\$275.00	30%	\$77.00
10/12/18	Client phone call	0.3	\$275.00	30%	\$57.75
10/17/18	Client phone call regarding hearing	0.4	\$275.00	30%	\$77.00
10/18/18	Client phone call regarding hearing	0.3	\$275.00		\$82.50
10/18/18	Travel to Court	0.5	\$137.50		\$68.75
10/18/18	Court hearing, claim objection and confirmation	0.3	\$275.00		\$82.50
10/18/18	Conversation with client post-hearing	0.2	\$275.00		\$55.00
10/18/18	Travel from Court	0.5	\$137.50		\$68.75
10/22/18	Client phone call	0.1	\$275.00		\$27.50
11/13/18	Client phone call regarding state court	0.6	\$275.00	30%	\$115.50
11/14/18	Demand Letter re Jordan state court	0.3	\$275.00		\$82.50
11/21/18	Conversation about summary ejectment hearing	0.1	\$275.00		\$27.50
11/26/18	Withdraw claim	0.4	\$275.00		\$110.00
Totals		24.1			\$5,412.00